

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) CRIMINAL NO. 04-10361-NG
)
JOHN HANDY)

GOVERNMENT'S MOTION TO SCHEDULE A STATUS CONFERENCE,
TO EXCLUDE THE TIME UNDER THE SPEEDY TRIAL ACT,
AND FOR AN ORDER ON EXCLUDABLE DELAY

The United States hereby moves the Court to schedule a Status Conference and to exclude the period from April 28, 2006 (the date of expiration of this Court's previous Order on Excludable Delay, entered on February 28, 2006), up to and including, the date of said Status Conference, from the time calculated under the Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (J).

The United States further moves the Court to exclude the period from October 4, 2006 through the Court's ruling on Defendant's Motion to Suppress and Defendant's Motion for Discovery, pursuant to 18 U.S.C. § 3161(h)(8)(A), on the grounds that such exclusion is in the best interests of justice because additional time beyond the thirty-day period was required by the Court to resolve Defendant's Motion to Suppress and Defendant's Motion for Discovery, due to the complexity of the issues raised.

WHEREFORE, the United States respectfully requests, under 18 U.S.C. §§ 3161(h)(1)(F) and (J) and §5(c)(1)(A) of the Plan for Prompt Disposition of Criminal Cases of this Court, that this

Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on April 28, 2006, and concluding on the next scheduled Status Conference date**, in computing the time within which trial must commence under 18 U.S.C. §3161. The government further requests that the Court enter an Order of Excludable Delay.

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
(617) 748-3103

Dated: January 11, 2007

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by electronic court filing:

Timothy G. Watkins, Esq.
Federal Defender Office
408 Atlantic Avenue
Boston, MA 02210

This 11th day of January, 2007.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney